

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**WEBROOT, INC., OPEN TEXT INC.,
OPEN TEXT CORPORATION,
Plaintiffs,**

-V-

TREND MICRO, INC.,
Defendant.

6:22-cv-00243-ADA-DTG
LEAD CASE

6:22-cv-00239-ADA-DTG
MEMBER CASE

CLAIM CONSTRUCTION ORDER

Before the Court are the Parties' claim construction briefs: Counter-Defendants Webroot, Inc. and Open Text Inc.'s ("Defendants") Opening and Reply briefs (ECF Nos. 194 and 255, respectively) and Counter-Plaintiffs ("Plaintiff") Trend Micro, Inc.'s Response and Sur-Reply briefs (ECF Nos. 245 and 273, respectively). The Court provided preliminary constructions for the disputed terms one day before the hearing. The Court held the *Markman* hearing on May 3, 2023. ECF No. 291. During that hearing, the Court informed the Parties of the final constructions for the disputed terms. *Id.* This Order does not alter any of those constructions.

The Court issues this Order to memorialize the Court’s final claim construction rulings for the parties, and to inform the parties that the Court plans to issue a more-detailed Order explaining its analysis in due course. The deadline to file any objections to the undersigned’s claim construction rulings (pursuant to Federal Rules of Civil Procedure 59 and 72) do not need to be filed until 14 days after that more fulsome Order is entered upon the docket.

SIGNED this 3rd day of May, 2023.

A handwritten signature in black ink, appearing to read "Derek T. Gilliland", is written over a horizontal line.

DEREK T. GILLILAND
UNITED STATES MAGISTRATE JUDGE

Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Final Construction
<p>#1: "endpoint"</p> <p>U.S. Patent No. 8,051,487, Claims 1 and 3</p> <p>Proposed by Defendants</p>	Plain and ordinary meaning	"an end-user computing device" and does not include a "server"	Plain-and-ordinary meaning wherein the plain-and-ordinary meaning can include a server.
<p>#2: "pattern file" / "virus pattern file"</p> <p>U.S. Patent No. 8,443,449, Claims 1, 4, 7, 9, 13</p> <p>Proposed by Defendants</p>	Not indefinite; plain and ordinary meaning	Indefinite	Not indefinite; plain-and-ordinary meaning
<p>#3: "anti-malware service"</p> <p>U.S. Patent No. 8,443,449, Claims 1, 7, 15</p> <p>Proposed by Defendants</p>	Plain and ordinary meaning	"any suitable service that analyzes malware and suspicious files, produces pattern files and heuristics, provides a URL reputation service, and delivers these results from an Internet-accessible location back to enterprises for use in preventing malware on end-user computers"	Plain-and-ordinary meaning

Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Final Construction
#4: "detection engine" U.S. Patent No. 8,443,449, Claims 3, 7, 8, 12 Proposed by Defendants	Plain and ordinary meaning	"any type of antivirus software running on a user computer for the purposes of detecting and controlling malware"	Plain-and-ordinary meaning
#5: "checkpoint" U.S. Patent No. 8,484,732, Claim 1 Proposed by Defendants	Plain and ordinary meaning	"code to check the state of the virtual machine"	Plain-and-ordinary meaning wherein the checkpoint may contain code.
#6: "client computer" U.S. Patent No. 8,838,992, Claims 1, 4, 5, 8, 13, 16, 18 Proposed by Defendants	Plain and ordinary meaning	"end-user computer that accesses a server over a network"	Plain and ordinary meaning
#7: "potentially malicious script" U.S. Patent No. 8,838,992, Claims 1, 4, 6, 8, 13 Proposed by Defendants	Not indefinite; plain and ordinary meaning	Indefinite	Not indefinite; plain-and-ordinary meaning.

Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Final Construction
<p>#8: "a/the credential of a customer" / "credential"</p> <p>U.S. Patent No. 9,954,828, Claims 11–14</p> <p>Proposed by Defendants</p>	<p>Plain and ordinary meaning</p>	<p>"identifier or authenticator specific to a person"</p>	<p>Plain and ordinary meaning</p>